IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revision No. 2495 of 2006.
Date of Decision: March 14, 2007.

Raju & Anr.

....**Petitioners**

through
Mr. G.S.Thind, Advocate

Versus

State of Haryana

...**Respondent**
through
Mr. R.D.Sharma, DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This revision petition is directed against the judgment and order dated 12.2.2004 passed by learned Judicial Magistrate Ist Class, Ambala Cantt., whereby the petitioners were convicted under Section 411 IPC and were sentenced to undergo RI for a period of two years, as well as against the judgment dated 21.11.2006 passed by learned Additional Sessions Judge, Ambala, vide which the appeal preferred by the petitioners against the above-stated order of conviction and sentence, was partly allowed to the extent that while their conviction was upheld, the sentence of RI for a period of two years was reduced to one year RI.

On 7.12.2006, after arguing the case, learned counsel for the petitioners did not press this revision petition so far as the

petitioners' conviction is concerned. He, however, argued the matter only on the quantum of sentence for which notice of motion was issued.

Learned counsel for the parties have been heard on the quantum of sentence.

It is pointed out by learned State Counsel that there is one more case registered against the petitioners vide FIR No. 146/1996, under Sections 457/380 IPC, at Police Station, Baldev Nagar, Ambala Cantt., in which they are not on bail. It is fairly stated by him that no offence is reported to have been committed by the petitioners after the year 1996.

The present case, in which the petitioners have been convicted and sentenced, too was registered on 10.3.1996. The trial came to an end on 12.2.2004 only. The petitioners have been, thus, subjected to a protracted trial. The fact that in a long spell of ten years when the petitioners were facing trial and/or their appeal was pending, they have not been found involved in the commission of any other offence, does indicate their reformatory attitude.

The learned State Counsel has also filed affidavits of the Superintendent, Central Jail, Ambala, regarding the custodial period of the petitioners and as per the averments made therein, the petitioners have already undergone actual sentence of 3 months, 29 days and 4 months, 10 days respectively out of the total sentence of one year RI.

The petitioners have been found guilty of an offence under Section 411 IPC, namely, dishonestly receiving the stolen property for which the prescribed punishment is imprisonment of

either description for a term which may extend to three years or with fine or both.

The total value of the stolen property which the petitioners have been found to have received dishonestly was about Rs.2300/-. Both the petitioners, who reportedly belong to a poor strata of the society, are married and have four children each. It is also averred that they are the sole bread earners of their respective families.

Having regard to one or the other mitigating circumstances, referred to above, and the fact that the petitioners are not reported to be involved in any other offence of such like nature, the sentence of one year RI awarded to both the petitioners is reduced to the extent of the period of sentence already undergone by them. However, both the petitioners are imposed a fine of Rs.2500/- each which they are directed to deposit within a period of two months from the date of their release from the custody, failing which they shall be required to undergo further sentence of two months each.

To the extent aforesaid, this revision is allowed.

March 14, 2007. **(SURYA KANT)**
dinesh **JUDGE**